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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,851	10/17/2003	Susan B. Cirulli	END920030048US1	9562

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HOFFMAN WARNICK LLC  
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ALBANY, NY 12207

EXAMINER
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POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

NOTIFICATION DATE	DELIVERY MODE
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07/22/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,851	<b>Applicant(s)</b> CIRULLI ET AL.	
	<b>Examiner</b> Robert M. Pond	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendments***

Applicants amended claims 1 and 4. Claims 10-31 are canceled. All pending claims 1-9 were examined in this final office action necessitated by amendment.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 15 January 2010, with respect to the rejection(s) of claim(s) 1-9 under 35 USC 102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Gune US 7,131,071 which incorporates by reference in its entirety US 2003/0204427 herein Gune '427, Paper #20100130. See below for details.

The Examiner is suggesting Applicants' consider scheduling a telephone interview prior to responding to this office action for additional discussion.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**1. Claims 1-3 and 5-9 are rejected under 35 USC 102(e) as being anticipated by Gune (US 7,131,071 which incorporates by reference in its entirety US 2003/0204427 herein Gune '427, Paper #20100130).**

Gune teaches all the limitations of claims 1-3 and 5-9. For example, Gune '427 discloses a user interface for processing requests for approval. A software facility for processing approval requests ("the facility") is provided and presents a single user interface, sometimes called an "approvals inbox," for reviewing and acting on approval requests (hereafter simply "requests") generated by a variety of different applications. For example, where requests to approve time sheets are generated using a time sheet application and requests to approve purchase orders are generated using a purchase order application, the facility presents a single user interface for reviewing and acting on both time sheet requests and purchase order requests. See at least abstract; Figs. 1-4; 0002-0018. Gune further discloses generating a chain of subsequent approver. See at least Table 1 and supporting figures. Gune further discloses:

- Regarding claim 1. generating an approval list, the approval list being an hierarchy of approvers from which approval must be obtained and automatically determining an approver and any subsequent approver from the hierarchy based on an item in an item request, the subsequent approver being someone from whom approval must be obtained subsequent to approval being obtained from the approver; Gune: See at least Table 1 and supporting figures. Note: hierarchy examples based on

dollar value approval chain, management titles. Gune '427: discloses removing from a first or initial approver (e.g. user) approval request inbox and redirecting the request to the user's manager for approval. Gune '427: see at least Fig. 5; 0019; 0072. Note: user/user's manager discloses a hierarchy or approvers and automatically determining any subsequent approver.

- Regarding claim 1. Inherent in Gune are the structures necessary to permit logging the approver into an application used to make item requests; For example, Gune '427 discloses each user being an approver having a personal My Approvals Inbox and identity and accessing the approval application. Gune '427: See at least Fig. 5; fig. 13 (1321); 0081. Authentication services. Gune '427: See at least Fig. 4 (Core Services/Authentication & Access Control); 0059.
- displaying by the application a view containing a set of item requests to the approver containing all item requests from all requestors for which approval is requested from the approver, the set of item requests including a plurality of item requests from a plurality of requesters; Gune '427: See at least Figs. 5-11; 0017; 0018; 0072-0080.
- Regarding claim 1. receiving an approval determination for at least one of the set of item requests from the approver; batch approval or rejection. Gune '427: See at least Fig. 8 (850, 860); Fig. 10 (1060); 0076; 0078. line

item approval. Gune '427: See at least Fig. 9 (920, 940); 0077. line item rejection. Gune '427: See at least Fig. 11 (1120, 1140); 0079.

- Regarding claim 1. updating an approver list corresponding to the at least one of the set of item requests based on the approval determination; approver list updated from one request to three requests for different requesters. Gune '427: See at least Fig. 5 (520) and Fig. 8 (830, 840); 0072; 0076. removed from user's approval list and redirected to manager's approval list. See at least 0019; 0072.
- Regarding claim 1. and in case that the hierarchy contains any subsequent approver and the approval determination by the approver is that of the at least one of the set of item requests being approved, automatically forwarding an approval message to the subsequent approver in the approver list after the updating step; new flag message indicator set for new case never displayed. Gune '427: See at least Fig. 5; Fig. 12; 0073; 0080; 0082. E-mail notifications used in prior art. Gune '427: See at least 0003. E-mail communications services. See at least Fig. 4 (Integration Services/E-mail & FAX Communications Services); 0067.
- Regarding claim 1. wherein the receiving is adapted to receive a plurality of approval determinations from the approver simultaneously. batch approval. Gune '427: See at least Fig. 8 (850, 860); 0076; batch rejection. See at least Fig. 10 (1060); 0078.
- Regarding claim 2. comments. Gune '427: See at least Fig. 13; 0081.

- Regarding claim 3. displaying informational message to approver prior to receiving the approval determination. Gune '427: See at least 0083.
- Regarding claim 5. verifying authorization of approver. Gune '427: See at least Fig. 4 (Core Services/Authentication & Access Control); 0059.
- Regarding claims 6-8. result message. Gune '427: See at least Fig. 5 (Received); Fig. 7 (Received (pending); Approved, Rejected); Fig. 8 (880); Fig. 10 (1080).
- Regarding claim 9. identifies approvers that have approved the at least one item request and approvers that have yet to approve the at least one item request. Gune '427: See at least Fig. 13; 0003; 0019; 0072; 0081.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 2. Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Gune Gune (US 7,131,071 which incorporates by reference in its entirety US 2003/0204427 herein Gune '427, Paper #20100130) in view of Applicants' Admissions.**

Gune teaches all the above as noted under the 102(e) rejection and further teaches i) known prior art methods of communicating a new request to an approver using e-mail services, ii) employing in Gune's invention E-Mail & Fax

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services and user authentication services and iii) an authenticated approver using the Gune purchasing application to view all pending approval messages held in the approvers personal "My Approvals Inbox." Although Gune does not mention communicating an approval message to the approver prior to the logging step, Applicants' Admissions on the other hand teach a prior art approval process using an electronic message (i.e. e-mail) as an off-line process (off-line with respect to underlying purchasing application) to communicate an approval request to an approver. Applicants' Admission: see at least 0004. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the system and methods of Gune to employ e-mail message communication to an approver as an off-line process as taught by Applicants' Admissions, in order to notify an approver not logged into the Gune purchasing application of a new approval request held in the approver's "My Approvals Inbox."



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/  
Primary Examiner, Art Unit 3625  
July 18, 2010